

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:23-cv-00211-MR-WCM**

AMY CAUSBY; )  
DENNIS CARSWELL; and )  
JAMES CARSWELL, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
NATIONWIDE MUTUAL )  
INSURANCE COMPANY, )  
 )  
Defendant. )  
\_\_\_\_\_ )

**ORDER**

This matter is before the Court on Plaintiffs' Motion to Extend Time to Reply to the Counterclaim (the "Motion for Extension," Doc. 7) and for case management purposes.

On August 10, 2023, Defendant filed a Notice of Removal, asserting that the Court may exercise diversity subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1332. Doc. 1. That same day, Defendant filed its Answer and Counterclaim. Doc. 2.

On October 4, 2023, James B. Hogan filed a Notice of Appearance on behalf of Plaintiffs. Doc. 5. That Notice suggests that Plaintiffs' other counsel, David Hood, will be filing a motion to withdraw, though no such filing has yet been made.

On October 5, 2023, Plaintiffs filed the Motion for Extension which states that Mr. Hood advised Plaintiffs that he could not represent them in federal court and assisted Plaintiffs in retaining Mr. Hogan. Doc. 7. The Motion for Extension further states that Mr. Hogan was retained on October 2, and therefore requests additional time, through and including November 2, 2023, to respond to Defendant's counterclaim. Id.

The undersigned acknowledges that Mr. Hogan has recently filed his Notice of Appearance. However, Defendant's counterclaim was filed on August 10, 2023. Accordingly, it appears that the deadline for responding to the counterclaim has expired, though the Motion for Extension does not address why an extension should be allowed under Rule 6(b)(1)(B) or otherwise explain why the excusable neglect standard described therein does not apply.

Additionally, Rule 7.1(a)(2) requires a party in a diversity case to file, unless the court orders otherwise, a statement that names and identifies the citizenship of every individual or entity whose citizenship is attributed to that party. This information may be provided using the Court's Disclosure by Party or Intervenor in a Diversity Case form (the "Citizenship Disclosure Statement").

**IT IS THEREFORE ORDERED THAT:**

1. Plaintiffs' Motion to Extend Time to Reply to the Counterclaim (Doc. 7) is **DENIED WITHOUT PREJUDICE**.
2. Plaintiffs shall file a Citizenship Disclosure Statement on or before **October 13, 2023**.

Signed: October 6, 2023

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

